



General Assembly

January Session, 2019

***Raised Bill No. 1056***

LCO No. 5660



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING ALLOTMENT REDUCTIONS FOR THE  
DIVISION OF PUBLIC DEFENDER SERVICES AND DIVERSIONARY  
PROGRAMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 4-85 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (e) The provisions of this section shall not be construed to authorize  
5 the Governor to reduce allotment requisitions or allotments in force  
6 concerning (1) aid to municipalities; or (2) any budgeted agency of the  
7 legislative or judicial branch, except that the Governor may propose an  
8 aggregate allotment reduction of a specified amount in accordance  
9 with this section for the legislative or judicial branch. If the Governor  
10 proposes to reduce allotment requisitions or allotments in force for any  
11 budgeted agency of the legislative or judicial branch, the Secretary of  
12 the Office of Policy and Management shall, at least five days before the  
13 effective date of such proposed reductions, notify the president pro  
14 tempore of the Senate and the speaker of the House of Representatives

15 of any such proposal affecting the legislative branch and the Chief  
 16 Justice of any such proposal affecting the judicial branch and the Chief  
 17 Public Defender of any such proposal affecting the Division of Public  
 18 Defender Services. Such notification shall include the amounts,  
 19 effective dates and reasons necessitating the proposed reductions. Not  
 20 later than three days after receipt of such notification, the president pro  
 21 tempore or the speaker, or both, or the Chief Justice and the Chief  
 22 Public Defender, as appropriate, may notify the Secretary of the Office  
 23 of Policy and Management and the chairpersons and ranking members  
 24 of the joint standing committee of the General Assembly having  
 25 cognizance of matters relating to appropriations and the budgets of  
 26 state agencies, in writing, of any objection to the proposed reductions.  
 27 The committee may hold a public hearing on such proposed  
 28 reductions. Such proposed reductions shall become effective unless  
 29 they are rejected by a two-thirds vote of the members of the committee  
 30 not later than fifteen days after receipt of the notification of objection to  
 31 the proposed reductions. If the committee rejects such proposed  
 32 reductions, the Secretary of the Office of Policy and Management shall  
 33 present an alternative plan to achieve such reductions to the president  
 34 pro tempore and the speaker for any such proposal affecting the  
 35 legislative branch or to the Chief Justice for any such proposal  
 36 affecting the judicial branch and to the Chief Public Defender for any  
 37 such proposal affecting the Division of Public Defender Services. If  
 38 proposed reductions in allotment requisitions or allotments in force for  
 39 any budgeted agency of the legislative or judicial branch are not  
 40 rejected, such reductions shall be achieved as determined by the Joint  
 41 Committee on Legislative Management or the Chief Justice and the  
 42 Chief Public Defender, as appropriate. The Joint Committee on  
 43 Legislative Management or the Chief Justice and the Chief Public  
 44 Defender, as appropriate, shall submit such reductions to the Governor  
 45 through the Secretary of the Office of Policy and Management not later  
 46 than ten days after the proposed reductions become effective.

47 Sec. 2. Section 53a-39c of the general statutes is repealed and the  
 48 following is substituted in lieu thereof (*Effective from passage*):

49 (a) There is established, within available appropriations, a  
 50 community service labor program for persons convicted of a first  
 51 violation of section 21a-267 or 21a-279 who have not previously been  
 52 convicted of a violation of section 21a-277 or 21a-278. Upon application  
 53 by any such person for participation in such program the court may  
 54 grant such application and, upon a plea of guilty without trial where a  
 55 term of imprisonment is part of a stated plea agreement, suspend any  
 56 sentence of imprisonment and make participation in such program a  
 57 condition of probation or conditional discharge in accordance with  
 58 section 53a-30. No person may be placed in such program who has  
 59 previously been placed in such program.

60 (b) Any person who enters such program shall pay to the court a  
 61 participation fee of two hundred five dollars, except that no person  
 62 may be excluded from such program for inability to pay such fee [,  
 63 provided (1) such person files with the court an affidavit of indigency  
 64 or inability to pay, (2) such indigency is confirmed by the Court  
 65 Support Services Division, and (3) the court enters a finding thereof]  
 66 and the court shall waive such fee if such person is eligible to have  
 67 counsel appointed on behalf of such person pursuant to section 51-296  
 68 because such person is indigent. The court shall not require  
 69 community service in lieu of such fee, if waived. All program fees  
 70 collected under this subsection shall be deposited into the alternative  
 71 incarceration program account.

72 (c) The period of participation in the community service labor  
 73 program shall be thirty days.

74 Sec. 3. Section 54-56e of the general statutes is repealed and the  
 75 following is substituted in lieu thereof (*Effective from passage*):

76 (a) There shall be a pretrial program for accelerated rehabilitation of  
 77 persons accused of a crime or crimes or a motor vehicle violation or  
 78 violations for which a sentence to a term of imprisonment may be  
 79 imposed, which crimes or violations are not of a serious nature. Upon  
 80 application by any such person for participation in the program, the

81 court shall, but only as to the public, order the court file sealed.

82 (b) The court may, in its discretion, invoke such program on motion  
 83 of the defendant or on motion of a state's attorney or prosecuting  
 84 attorney with respect to a defendant (1) who, the court believes, will  
 85 probably not offend in the future, (2) who has no previous record of  
 86 conviction of a crime or of a violation of section 14-196, subsection (c)  
 87 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of  
 88 subsection (b) of section 14-224, section 14-227a or 14-227m or  
 89 subdivision (1) or (2) of subsection (a) of section 14-227n, and (3) who  
 90 states under oath, in open court or before any person designated by the  
 91 clerk and duly authorized to administer oaths, under the penalties of  
 92 perjury, (A) that the defendant has never had such program invoked  
 93 on the defendant's behalf or that the defendant was charged with a  
 94 misdemeanor or a motor vehicle violation for which a term of  
 95 imprisonment of one year or less may be imposed and ten or more  
 96 years have passed since the date that any charge or charges for which  
 97 the program was invoked on the defendant's behalf were dismissed by  
 98 the court, or (B) with respect to a defendant who is a veteran, that the  
 99 defendant has not had such program invoked in the defendant's behalf  
 100 more than once previously, provided the defendant shall agree thereto  
 101 and provided notice has been given by the defendant, on a form  
 102 prescribed by the Office of the Chief Court Administrator, to the victim  
 103 or victims of such crime or motor vehicle violation, if any, by  
 104 registered or certified mail and such victim or victims have an  
 105 opportunity to be heard thereon. Any defendant who makes  
 106 application for participation in such program shall pay to the court an  
 107 application fee of thirty-five dollars, except as provided in subsection  
 108 (g) of this section. No defendant shall be allowed to participate in the  
 109 pretrial program for accelerated rehabilitation more than two times.  
 110 For the purposes of this section, "veteran" means any person who was  
 111 discharged or released under conditions other than dishonorable from  
 112 active service in the armed forces as defined in section 27-103.

113 (c) This section shall not be applicable: (1) To any person charged  
 114 with (A) a class A felony, (B) a class B felony, except a violation of

115 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does  
 116 not involve the use, attempted use or threatened use of physical force  
 117 against another person, or a violation of subdivision (4) of subsection  
 118 (a) of section 53a-122 that does not involve the use, attempted use or  
 119 threatened use of physical force against another person and does not  
 120 involve a violation by a person who is a public official, as defined in  
 121 section 1-110, or a state or municipal employee, as defined in section 1-  
 122 110, or (C) a violation of section 14-227a or 14-227m, subdivision (1) or  
 123 (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a)  
 124 of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b,  
 125 53a-71, except as provided in subdivision (5) of this subsection, 53a-  
 126 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged  
 127 with a crime or motor vehicle violation who, as a result of the  
 128 commission of such crime or motor vehicle violation, causes the death  
 129 of another person, (3) to any person accused of a family violence crime  
 130 as defined in section 46b-38a who (A) is eligible for the pretrial family  
 131 violence education program established under section 46b-38c, as  
 132 amended by this act, or (B) has previously had the pretrial family  
 133 violence education program invoked in such person's behalf, (4) to any  
 134 person charged with a violation of section 21a-267 or 21a-279 who (A)  
 135 is eligible for the pretrial drug education and community service  
 136 program established under section 54-56i, as amended by this act, or  
 137 (B) has previously had the pretrial drug education program or the  
 138 pretrial drug education and community service program invoked on  
 139 such person's behalf, (5) unless good cause is shown, to (A) any person  
 140 charged with a class C felony, or (B) any person charged with  
 141 committing a violation of subdivision (1) of subsection (a) of section  
 142 53a-71 while such person was less than four years older than the other  
 143 person, (6) to any person charged with a violation of section 9-359 or 9-  
 144 359a, (7) to any person charged with a motor vehicle violation (A)  
 145 while operating a commercial motor vehicle, as defined in section 14-1,  
 146 or (B) who holds a commercial driver's license or commercial driver's  
 147 instruction permit at the time of the violation, (8) to any person  
 148 charged with a violation of subdivision (6) of subsection (a) of section  
 149 53a-60, or (9) to a health care provider or vendor participating in the

150 state's Medicaid program charged with a violation of section 53a-122  
151 or subdivision (4) of subsection (a) of section 53a-123.

152 (d) Except as provided in [subsection (e)] subsections (e) and (g) of  
153 this section, any defendant who enters such program shall pay to the  
154 court a participation fee of one hundred dollars. Any defendant who  
155 enters such program shall agree to the tolling of any statute of  
156 limitations with respect to such crime and to a waiver of the right to a  
157 speedy trial. Any such defendant shall appear in court and shall, under  
158 such conditions as the court shall order, be released to the custody of  
159 the Court Support Services Division, except that, if a criminal docket  
160 for drug-dependent persons has been established pursuant to section  
161 51-181b in the judicial district, such defendant may be transferred,  
162 under such conditions as the court shall order, to the court handling  
163 such docket for supervision by such court. If the defendant refuses to  
164 accept, or, having accepted, violates such conditions, the defendant's  
165 case shall be brought to trial. The period of such probation or  
166 supervision, or both, shall not exceed two years. If the defendant has  
167 reached the age of sixteen years but has not reached the age of eighteen  
168 years, the court may order that as a condition of such probation the  
169 defendant be referred for services to a youth service bureau  
170 established pursuant to section 10-19m, provided the court finds,  
171 through an assessment by a youth service bureau or its designee, that  
172 the defendant is in need of and likely to benefit from such services.  
173 When determining any conditions of probation to order for a person  
174 entering such program who was charged with a misdemeanor that did  
175 not involve the use, attempted use or threatened use of physical force  
176 against another person or a motor vehicle violation, the court shall  
177 consider ordering the person to perform community service in the  
178 community in which the offense or violation occurred. If the court  
179 determines that community service is appropriate, such community  
180 service may be implemented by a community court established in  
181 accordance with section 51-181c if the offense or violation occurred  
182 within the jurisdiction of a community court established by said  
183 section. If the defendant is charged with a violation of section 46a-58,

184 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a  
185 condition of such probation the defendant participate in a hate crimes  
186 diversion program as provided in subsection (e) of this section. If a  
187 defendant is charged with a violation of section 53-247, the court may  
188 order that as a condition of such probation the defendant undergo  
189 psychiatric or psychological counseling or participate in an animal  
190 cruelty prevention and education program provided such a program  
191 exists and is available to the defendant.

192 (e) If the court orders the defendant to participate in a hate crimes  
193 diversion program as a condition of probation, the defendant shall pay  
194 to the court a participation fee of four hundred twenty-five dollars. No  
195 person may be excluded from such program for inability to pay such  
196 fee [ provided (1) such person files with the court an affidavit of  
197 indigency or inability to pay, (2) such indigency or inability to pay is  
198 confirmed by the Court Support Services Division, and (3) the court  
199 enters a finding thereof] and the court shall waive such fee if such  
200 person is found eligible to have such fees waived under subsection (g)  
201 of this section. The Judicial Department shall contract with service  
202 providers, develop standards and oversee appropriate hate crimes  
203 diversion programs to meet the requirements of this section. Any  
204 defendant whose employment or residence makes it unreasonable to  
205 attend a hate crimes diversion program in this state may attend a  
206 program in another state which has standards substantially similar to,  
207 or higher than, those of this state, subject to the approval of the court  
208 and payment of the application and program fees as provided in this  
209 section. The hate crimes diversion program shall consist of an  
210 educational program and supervised community service.

211 (f) If a defendant released to the custody of the Court Support  
212 Services Division satisfactorily completes such defendant's period of  
213 probation, such defendant may apply for dismissal of the charges  
214 against such defendant and the court, on finding such satisfactory  
215 completion, shall dismiss such charges. If the defendant does not apply  
216 for dismissal of the charges against such defendant after satisfactorily  
217 completing such defendant's period of probation, the court, upon

218 receipt of a report submitted by the Court Support Services Division  
 219 that the defendant satisfactorily completed such defendant's period of  
 220 probation, may on its own motion make a finding of such satisfactory  
 221 completion and dismiss such charges. If a defendant transferred to the  
 222 court handling the criminal docket for drug-dependent persons  
 223 satisfactorily completes such defendant's period of supervision, the  
 224 court shall release the defendant to the custody of the Court Support  
 225 Services Division under such conditions as the court shall order or  
 226 shall dismiss such charges. Upon dismissal, all records of such charges  
 227 shall be erased pursuant to section 54-142a. An order of the court  
 228 denying a motion to dismiss the charges against a defendant who has  
 229 completed such defendant's period of probation or supervision or  
 230 terminating the participation of a defendant in such program shall be a  
 231 final judgment for purposes of appeal.

232 (g) The court shall waive any application fee under subsection (b) of  
 233 this section and any participation fee under subsection (d) or (e) of this  
 234 section for any person who is eligible to have counsel appointed on  
 235 behalf of such person pursuant to section 51-296 because such person  
 236 is indigent. The court shall not require community service in lieu of  
 237 any such fee waived under this subsection.

238 Sec. 4. Section 54-56g of the general statutes is repealed and the  
 239 following is substituted in lieu thereof (*Effective from passage*):

240 (a) (1) There shall be a pretrial alcohol education program for  
 241 persons charged with a violation of section 14-227a, 14-227g or 14-  
 242 227m, subdivision (1) or (2) of subsection (a) of section 14-227n or  
 243 section 15-133 or 15-140n. Upon application by any such person for  
 244 participation in such program, [and payment] the court shall, but only  
 245 as to the public, order the court file sealed, and such person shall pay  
 246 to the court [of] an application fee of one hundred dollars and a  
 247 nonrefundable evaluation fee of one hundred dollars, [the court shall,  
 248 but only as to the public, order the court file sealed, provided such  
 249 person states] except as provided in subsection (i) of this section, and  
 250 state under oath, in open court or before any person designated by the



251 clerk and duly authorized to administer oaths, under penalties of  
 252 perjury that: (A) If such person is charged with a violation of section  
 253 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of  
 254 section 14-227n, subsection (d) of section 15-133 or section 15-140n,  
 255 such person has not had such program invoked in such person's behalf  
 256 within the preceding ten years for a violation of section 14-227a, 14-  
 257 227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-  
 258 227n, subsection (d) of section 15-133 or section 15-140n, (B) such  
 259 person has not been convicted of a violation of section 53a-56b or 53a-  
 260 60d, a violation of subsection (a) of section 14-227a before, on or after  
 261 October 1, 1981, a violation of subdivision (1) or (2) of subsection (a) of  
 262 section 14-227a on or after October 1, 1985, a violation of section 14-  
 263 227g, a violation of section 14-227m or a violation of subdivision (1) or  
 264 (2) of subsection (a) of section 14-227n, (C) such person has not been  
 265 convicted of a violation of section 15-132a, subsection (d) of section 15-  
 266 133, section 15-140l or section 15-140n, (D) such person has not been  
 267 convicted in any other state at any time of an offense the essential  
 268 elements of which are substantially the same as section 53a-56b, 53a-  
 269 60d, 15-132a, 15-140l or 15-140n, subdivision (1) or (2) of subsection (a)  
 270 of section 14-227a, section 14-227m, subdivision (1) or (2) of subsection  
 271 (a) of section 14-227n or subsection (d) of section 15-133, and (E) notice  
 272 has been given by such person, by registered or certified mail on a  
 273 form prescribed by the Office of the Chief Court Administrator, to each  
 274 victim who sustained a serious physical injury, as defined in section  
 275 53a-3, which was caused by such person's alleged violation, that such  
 276 person has applied to participate in the pretrial alcohol education  
 277 program and that such victim has an opportunity to be heard by the  
 278 court on the application.

279 (2) The court shall provide each such victim who sustained a serious  
 280 physical injury an opportunity to be heard prior to granting an  
 281 application under this section. Unless good cause is shown, a person  
 282 shall be ineligible for participation in such pretrial alcohol education  
 283 program if such person's alleged violation of section 14-227a, 14-227g  
 284 or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or

285 subsection (d) of section 15-133 caused the serious physical injury, as  
286 defined in section 53a-3, of another person.

287 (3) The application fee imposed under this subsection shall be  
288 credited to the Criminal Injuries Compensation Fund established  
289 under section 54-215. The evaluation fee imposed under this  
290 subsection shall be credited to the pretrial account established under  
291 section 54-56k.

292 (b) The court, after consideration of the recommendation of the  
293 state's attorney, assistant state's attorney or deputy assistant state's  
294 attorney in charge of the case, may, in its discretion, grant such  
295 application. If the court grants such application, the court shall refer  
296 such person to the Court Support Services Division for assessment and  
297 confirmation of the eligibility of the applicant and to the Department  
298 of Mental Health and Addiction Services for evaluation. The Court  
299 Support Services Division, in making its assessment and confirmation,  
300 may rely on the representations made by the applicant under oath in  
301 open court with respect to convictions in other states of offenses  
302 specified in subsection (a) of this section. Upon confirmation of  
303 eligibility and receipt of the evaluation report, the defendant shall be  
304 referred to the Department of Mental Health and Addiction Services  
305 by the Court Support Services Division for placement in an  
306 appropriate alcohol intervention program for one year, or be placed in  
307 a state-licensed substance abuse treatment program. The alcohol  
308 intervention program shall include a ten-session intervention program  
309 and a fifteen-session intervention program. Any person who enters the  
310 pretrial alcohol education program shall agree: (1) To the tolling of the  
311 statute of limitations with respect to such crime, (2) to a waiver of such  
312 person's right to a speedy trial, (3) to complete ten or fifteen counseling  
313 sessions in an alcohol intervention program or successfully complete a  
314 substance abuse treatment program of not less than twelve sessions  
315 pursuant to this section dependent upon the evaluation report and the  
316 court order, (4) to commence participation in an alcohol intervention  
317 program or substance abuse treatment program not later than ninety  
318 days after the date of entry of the court order unless granted a delayed

319 entry into a program by the court, (5) upon completion of participation  
320 in the alcohol intervention program, to accept placement in a substance  
321 abuse treatment program upon the recommendation of a provider  
322 under contract with the Department of Mental Health and Addiction  
323 Services pursuant to subsection (f) of this section or placement in a  
324 state-licensed substance abuse treatment program which meets  
325 standards established by the Department of Mental Health and  
326 Addiction Services, if the Court Support Services Division deems it  
327 appropriate, and (6) if ordered by the court, to participate in at least  
328 one victim impact panel. The suspension of the motor vehicle  
329 operator's license of any such person pursuant to section 14-227b shall  
330 be effective during the period such person is participating in the  
331 pretrial alcohol education program, provided such person shall have  
332 the option of not commencing the participation in such program until  
333 the period of such suspension is completed. If the Court Support  
334 Services Division informs the court that the defendant is ineligible for  
335 such program and the court makes a determination of ineligibility or if  
336 the program provider certifies to the court that the defendant did not  
337 successfully complete the assigned program or is no longer amenable  
338 to treatment and such person does not request, or the court denies,  
339 program reinstatement under subsection (e) of this section, the court  
340 shall order the court file to be unsealed, enter a plea of not guilty for  
341 such defendant and immediately place the case on the trial list. If such  
342 defendant satisfactorily completes the assigned program, such  
343 defendant may apply for dismissal of the charges against such  
344 defendant and the court, on reviewing the record of the defendant's  
345 participation in such program submitted by the Court Support  
346 Services Division and on finding such satisfactory completion, shall  
347 dismiss the charges. If the defendant does not apply for dismissal of  
348 the charges against such defendant after satisfactorily completing the  
349 assigned program the court, upon receipt of the record of the  
350 defendant's participation in such program submitted by the Court  
351 Support Services Division, may on its own motion make a finding of  
352 such satisfactory completion and dismiss the charges. Upon motion of  
353 the defendant and a showing of good cause, the court may extend the

354 one-year placement period for a reasonable period for the defendant to  
355 complete the assigned program. A record of participation in such  
356 program shall be retained by the Court Support Services Division for a  
357 period of ten years from the date the court grants the application for  
358 participation in such program. The Court Support Services Division  
359 shall transmit to the Department of Motor Vehicles a record of  
360 participation in such program for each person who satisfactorily  
361 completes such program. The Department of Motor Vehicles shall  
362 maintain for a period of ten years the record of a person's participation  
363 in such program as part of such person's driving record. The Court  
364 Support Services Division shall transmit to the Department of Energy  
365 and Environmental Protection the record of participation of any person  
366 who satisfactorily completes such program who has been charged with  
367 a violation of the provisions of subsection (d) of section 15-133 or  
368 section 15-140n. The Department of Energy and Environmental  
369 Protection shall maintain for a period of ten years the record of a  
370 person's participation in such program as a part of such person's  
371 boater certification record.

372 (c) At the time the court grants the application for participation in  
373 the pretrial alcohol education program, such person shall also pay to  
374 the court a nonrefundable program fee of three hundred fifty dollars if  
375 such person is ordered to participate in the ten-session intervention  
376 program and a nonrefundable program fee of five hundred dollars if  
377 such person is ordered to participate in the fifteen-session intervention  
378 program. If the court grants the application for participation in the  
379 pretrial alcohol education program and such person is ordered to  
380 participate in a substance abuse treatment program, such person shall  
381 be responsible for the costs associated with participation in such  
382 program. No person may be excluded from either program for  
383 inability to pay such fee or cost, [provided (1) such person files with  
384 the court an affidavit of indigency or inability to pay, (2) such  
385 indigency or inability to pay is confirmed by the Court Support  
386 Services Division, and (3) the court enters a finding thereof] and the  
387 court shall waive any such fee or cost if such person is found eligible to

388 have such fee or cost waived under subsection (i) of this section. If the  
 389 court [finds that a person is indigent or unable to pay for a treatment  
 390 program, the costs of such program,] waives any such fee or cost for a  
 391 treatment program, the amount waived shall be paid from the pretrial  
 392 account established under section 54-56k. [If the court finds that a  
 393 person is indigent or unable to pay for an intervention program, the  
 394 court may waive all or any portion of the fee for such intervention  
 395 program.] If the court denies the application, such person shall not be  
 396 required to pay the program fee. If the court grants the application and  
 397 such person is later determined to be ineligible for participation in  
 398 such pretrial alcohol education program or fails to complete the  
 399 assigned program, the program fee shall not be refunded. All program  
 400 fees shall be credited to the pretrial account established under section  
 401 54-56k.

402 (d) If a person returns to court with certification from a program  
 403 provider that such person did not successfully complete the assigned  
 404 program or is no longer amenable to treatment, the provider, to the  
 405 extent practicable, shall include a recommendation to the court as to  
 406 whether a ten-session intervention program, a fifteen-session  
 407 intervention program or placement in a state-licensed substance abuse  
 408 treatment program would best serve such person's needs. The  
 409 provider shall also indicate whether the current program referral was  
 410 an initial referral or a reinstatement to the program.

411 (e) When a person subsequently requests reinstatement into an  
 412 alcohol intervention program or a substance abuse treatment program  
 413 and the Court Support Services Division verifies that such person is  
 414 eligible for reinstatement into such program and thereafter the court  
 415 favorably acts on such request, such person shall pay a nonrefundable  
 416 program fee of one hundred seventy-five dollars if ordered to  
 417 complete a ten-session intervention program or two hundred fifty  
 418 dollars if ordered to complete a fifteen-session intervention program,  
 419 as the case may be, [ Unless good cause is shown, such fees shall not  
 420 be waived. If the court grants a person's request to be reinstated into a  
 421 treatment program, such person shall be responsible for the costs, if

422 any, associated with being reinstated into the treatment program]  
 423 unless such person is eligible to have such fees waived under  
 424 subsection (i) of this section. All program fees collected in connection  
 425 with a reinstatement to an intervention program shall be credited to  
 426 the pretrial account established under section 54-56k. No person shall  
 427 be permitted more than two program reinstatements pursuant to this  
 428 subsection.

429 (f) The Department of Mental Health and Addiction Services shall  
 430 contract with service providers, develop standards and oversee  
 431 appropriate alcohol programs to meet the requirements of this section.  
 432 Said department shall adopt regulations, in accordance with chapter  
 433 54, to establish standards for such alcohol programs. Any person  
 434 ordered to participate in a treatment program shall do so at a state-  
 435 licensed treatment program which meets the standards established by  
 436 said department. Any defendant whose employment or residence  
 437 makes it unreasonable to attend an alcohol intervention program or a  
 438 substance abuse treatment program in this state may attend a program  
 439 in another state which has standards substantially similar to, or higher  
 440 than, those of this state, subject to the approval of the court and  
 441 payment of the application, evaluation and program fees and  
 442 treatment costs, as appropriate, as provided in this section.

443 (g) The court may, as a condition of granting such application,  
 444 require that such person participate in a victim impact panel program  
 445 approved by the Court Support Services Division of the Judicial  
 446 Department. Such victim impact panel program shall provide a  
 447 nonconfrontational forum for the victims of alcohol-related or drug-  
 448 related offenses and offenders to share experiences on the impact of  
 449 alcohol-related or drug-related incidents in their lives. Such victim  
 450 impact panel program shall be conducted by a nonprofit organization  
 451 that advocates on behalf of victims of accidents caused by persons who  
 452 operated a motor vehicle while under the influence of intoxicating  
 453 liquor or any drug, or both. Such organization may assess a  
 454 participation fee of not more than seventy-five dollars on any person  
 455 required by the court to participate in such program, provided such

456 organization shall offer a [hardship] waiver when [it has determined  
457 that the imposition of a fee would pose an economic hardship for such  
458 person] such person is eligible to have counsel appointed on behalf of  
459 such person pursuant to section 51-296 because such person is  
460 indigent.

461 (h) The provisions of this section shall not be applicable in the case  
462 of any person charged with a violation of section 14-227a or 14-227m or  
463 subdivision (1) or (2) of subsection (a) of section 14-227n (1) while  
464 operating a commercial motor vehicle, as defined in section 14-1, or (2)  
465 who holds a commercial driver's license or commercial driver's  
466 instruction permit at the time of the violation.

467 (i) The court shall waive any fee or cost under subsection (a), (c) or  
468 (e) of this section for any person if such person is eligible to have  
469 counsel appointed on behalf of such person pursuant to section 51-296  
470 because such person is indigent. The court shall not require  
471 community service in lieu of any such fee or cost waived under this  
472 subsection.

473 Sec. 5. Section 54-56i of the general statutes is repealed and the  
474 following is substituted in lieu thereof (*Effective from passage*):

475 (a) There is established a pretrial drug education and community  
476 service program for persons charged with a violation of section 21a-  
477 267, 21a-279 or 21a-279a. The pretrial drug education and community  
478 service program shall include a fifteen-session drug education  
479 program and a substance abuse treatment program of not less than  
480 fifteen sessions, and the performance of community service.

481 (b) Upon application by any such person for participation in such  
482 program, [and payment] the court shall, but only as to the public,  
483 order the court file sealed, and such person shall pay to the court of an  
484 application fee of one hundred dollars and a nonrefundable evaluation  
485 fee of one hundred fifty dollars, [the court shall, but only as to the  
486 public, order the court file sealed] except the court shall waive such  
487 fees for any such person eligible to have such fees waived under

488 subsection (l) of this section. A person shall be ineligible for  
 489 participation in such pretrial drug education and community service  
 490 program if such person has twice previously participated in (1) the  
 491 pretrial drug education program established under the provisions of  
 492 this section in effect prior to October 1, 2013, (2) the community service  
 493 labor program established under section 53a-39c, as amended by this  
 494 act, (3) the pretrial drug education and community service program  
 495 established under this section, or (4) any of such programs, except that  
 496 the court may allow a person who has twice previously participated in  
 497 such programs to participate in the pretrial drug education and  
 498 community service program one additional time, for good cause  
 499 shown. The evaluation and application fee imposed under this  
 500 subsection shall be credited to the pretrial account established under  
 501 section 54-56k.

502 (c) The court, after consideration of the recommendation of the  
 503 state's attorney, assistant state's attorney or deputy assistant state's  
 504 attorney in charge of the case, may, in its discretion, grant such  
 505 application. If the court grants such application, the court shall refer  
 506 such person (1) to the Court Support Services Division for  
 507 confirmation of the eligibility of the applicant, (2) to the Department of  
 508 Mental Health and Addiction Services for evaluation and  
 509 determination of an appropriate drug education or substance abuse  
 510 treatment program for the first or second time such application is  
 511 granted, and (3) to a state-licensed substance abuse treatment program  
 512 for evaluation and determination of an appropriate substance abuse  
 513 treatment program for the third time such application is granted,  
 514 except that, if such person is a veteran, the court may refer such person  
 515 to the Department of Veterans Affairs or the United States Department  
 516 of Veterans Affairs, as applicable, for any such evaluation and  
 517 determination. For the purposes of this subsection and subsection (d)  
 518 of this section, "veteran" means any person who was discharged or  
 519 released under conditions other than dishonorable from active service  
 520 in the armed forces as defined in section 27-103.

521 (d) (1) (A) Upon confirmation of eligibility and receipt of the



522 evaluation and determination required under subsection (c) of this  
523 section, such person shall be placed in the pretrial drug education and  
524 community service program and referred by the Court Support  
525 Services Division for the purpose of receiving appropriate drug  
526 education services or substance abuse treatment program services, as  
527 recommended by the evaluation conducted pursuant to subsection (c)  
528 of this section and ordered by the court, to the Department of Mental  
529 Health and Addiction Services or to a state-licensed substance abuse  
530 treatment program for placement in the appropriate drug education or  
531 substance abuse treatment program, except that, if such person is a  
532 veteran, the division may refer such person to the Department of  
533 Veterans Affairs or the United States Department of Veterans Affairs,  
534 subject to the provisions of subdivision (2) of this subsection.

535 (B) Persons who have been granted entry into the pretrial drug  
536 education and community service program for the first time shall  
537 participate in either a fifteen-session drug education program or a  
538 substance abuse treatment program of not less than fifteen sessions, as  
539 ordered by the court on the basis of the evaluation and determination  
540 required under subsection (c) of this section. Persons who have been  
541 granted entry into the pretrial drug education and community service  
542 program for the second time shall participate in either a fifteen-session  
543 drug education program or a substance abuse treatment program of  
544 not less than fifteen sessions, as ordered by the court based on the  
545 evaluation and determination required under subsection (c) of this  
546 section. Persons who have been granted entry into the pretrial drug  
547 education and community service program for a third time shall be  
548 referred to a state-licensed substance abuse program for evaluation  
549 and participation in a course of treatment as ordered by the court  
550 based on the evaluation and determination required under subsection  
551 (c) of this section.

552 (C) Persons who have been granted entry into the pretrial drug  
553 education and community service program shall also participate in a  
554 community service program administered by the Court Support  
555 Services Division pursuant to section 53a-39c, as amended by this act.

556 Persons who have been granted entry into the pretrial drug education  
557 and community service program for the first time shall participate in  
558 the community service program for a period of five days. Persons who  
559 have been granted entry into the pretrial drug education and  
560 community service program for the second time shall participate in the  
561 community service program for a period of fifteen days. Persons who  
562 have been granted entry into the pretrial drug education and  
563 community service program for a third or additional time shall  
564 participate in the community service program for a period of thirty  
565 days.

566 (D) Placement in the pretrial drug education and community service  
567 program pursuant to this section shall not exceed one year. Persons  
568 receiving substance abuse treatment program services in accordance  
569 with the provisions of this section shall only receive such services at  
570 state-licensed substance abuse treatment program facilities that are in  
571 compliance with all state standards governing the operation of such  
572 facilities, except that, if such person is a veteran, such person may  
573 receive services from facilities under the supervision of the  
574 Department of Veterans Affairs or the United States Department of  
575 Veterans Affairs, subject to the provisions of subdivision (2) of this  
576 subsection.

577 (E) Any person who enters the pretrial drug education and  
578 community service program shall agree: (i) To the tolling of the statute  
579 of limitations with respect to such crime; (ii) to a waiver of such  
580 person's right to a speedy trial; (iii) to complete participation in the  
581 pretrial drug education and community service program, as ordered  
582 by the court; (iv) to commence participation in the pretrial drug  
583 education and community service program not later than ninety days  
584 after the date of entry of the court order unless granted a delayed entry  
585 into the program by the court; and (v) upon completion of  
586 participation in the pretrial drug education and community service  
587 program, to accept (I) placement in a treatment program upon the  
588 recommendation of a provider under contract with the Department of  
589 Mental Health and Addiction Services or a provider under the

590 supervision of the Department of Veterans Affairs or the United States  
591 Department of Veterans Affairs, or (II) placement in a treatment  
592 program that has standards substantially similar to, or higher than, a  
593 program of a provider under contract with the Department of Mental  
594 Health and Addiction Services, if the Court Support Services Division  
595 deems it appropriate.

596 (2) The Court Support Services Division may only refer a veteran to  
597 the Department of Veterans Affairs or the United States Department of  
598 Veterans Affairs for the receipt of services under the program if (A) the  
599 division determines that such services will be provided in a timely  
600 manner under standards substantially similar to, or higher than,  
601 standards for services provided by the Department of Mental Health  
602 and Addiction Services under the program, and (B) the applicable  
603 department agrees to submit timely program participation and  
604 completion reports to the division in the manner required by the  
605 division.

606 (e) If the Court Support Services Division informs the court that  
607 such person is ineligible for the program and the court makes a  
608 determination of ineligibility or if the program provider certifies to the  
609 court that such person did not successfully complete the assigned  
610 program and such person did not request, or the court denied,  
611 reinstatement in the program under subsection (i) of this section, the  
612 court shall order the court file to be unsealed, enter a plea of not guilty  
613 for such person and immediately place the case on the trial list.

614 (f) If such person satisfactorily completes the assigned program,  
615 such person may apply for dismissal of the charges against such  
616 person and the court, on reviewing the record of such person's  
617 participation in such program submitted by the Court Support  
618 Services Division and on finding such satisfactory completion, shall  
619 dismiss the charges. If such person does not apply for dismissal of the  
620 charges against such person after satisfactorily completing the  
621 assigned program, the court, upon receipt of the record of such  
622 person's participation in such program submitted by the Court

623 Support Services Division, may on its own motion make a finding of  
624 such satisfactory completion and dismiss the charges. Upon motion of  
625 such person and a showing of good cause, the court may extend the  
626 placement period for a reasonable period of time to allow such person  
627 to complete the assigned program. A record of participation in such  
628 program shall be retained by the Court Support Services Division for a  
629 period of ten years from the date the court grants the application for  
630 participation in the program.

631 (g) At the time the court grants the application for participation in  
632 the pretrial drug education and community service program, any  
633 person ordered to participate in such drug education program shall  
634 pay to the court a nonrefundable program fee of six hundred dollars. If  
635 the court orders participation in a substance abuse treatment program,  
636 such person shall pay to the court a nonrefundable program fee of one  
637 hundred dollars and shall be responsible for the costs associated with  
638 such program. No person may be excluded from any such program for  
639 inability to pay such fee or cost, [provided (1) such person files with  
640 the court an affidavit of indigency or inability to pay, (2) such  
641 indigency or inability to pay is confirmed by the Court Support  
642 Services Division, and (3) the court enters a finding thereof. The court  
643 may waive all or any portion of such fee depending on such person's  
644 ability to pay] and the court shall waive any such fee or cost if such  
645 person is found eligible to have such fee or cost waived under  
646 subsection (l) of this section. If the court [finds that a person is indigent  
647 or unable to pay] waives the costs for a substance abuse treatment  
648 program, the costs of such program shall be paid from the pretrial  
649 account established under section 54-56k. If the court denies the  
650 application, such person shall not be required to pay the program fee.  
651 If the court grants the application, and such person is later determined  
652 to be ineligible for participation in such pretrial drug education and  
653 community service program or fails to complete the assigned program,  
654 the program fee shall not be refunded. All program fees shall be  
655 credited to the pretrial account established under section 54-56k.

656 (h) If a person returns to court with certification from a program

657 provider that such person did not successfully complete the assigned  
658 program or is no longer amenable to treatment, the provider, to the  
659 extent practicable, shall include a recommendation to the court as to  
660 whether placement in a drug education program or placement in a  
661 substance abuse treatment program would best serve such person's  
662 needs. The provider shall also indicate whether the current program  
663 referral was an initial referral or a reinstatement to the program.

664 (i) When a person subsequently requests reinstatement into a drug  
665 education program or a substance abuse treatment program and the  
666 Court Support Services Division verifies that such person is eligible for  
667 reinstatement into such program and thereafter the court favorably  
668 acts on such request, any person reinstated into such drug education  
669 program shall pay a nonrefundable program fee of two hundred fifty  
670 dollars, and any person reinstated into a substance abuse treatment  
671 program shall be responsible for the costs, if any, associated with being  
672 reinstated into the treatment program, [Unless good cause is shown,  
673 such program fee shall not be waived] unless such person is found  
674 eligible to have such fee or costs waived under subsection (l) of this  
675 section. All program fees collected in connection with a reinstatement  
676 to a drug education program shall be credited to the pretrial account  
677 established under section 54-56k. No person shall be permitted more  
678 than two program reinstatements pursuant to this subsection.

679 (j) The Department of Mental Health and Addiction Services shall  
680 develop standards and oversee appropriate drug education programs  
681 that it administers to meet the requirements of this section and may  
682 contract with service providers to provide such programs. The  
683 department shall adopt regulations, in accordance with chapter 54, to  
684 establish standards for such drug education programs.

685 (k) Any person whose employment or residence or schooling makes  
686 it unreasonable to attend a drug education program or substance  
687 abuse treatment program in this state may attend a program in another  
688 state that has standards similar to, or higher than, those of this state,  
689 subject to the approval of the court and payment of the program fee or

690 costs as provided in this section.

691 (l) The court shall waive any fee or cost under subsection (b), (g) or  
 692 (i) of this section for any person who is eligible to have counsel  
 693 appointed on behalf of such person pursuant to section 51-296 because  
 694 such person is indigent. The court shall not require community service  
 695 in lieu of any such fee or cost waived under this subsection.

696 Sec. 6. Section 54-56j of the general statutes is repealed and the  
 697 following is substituted in lieu thereof (*Effective from passage*):

698 (a) There shall be a school violence prevention program for students  
 699 of a public or private secondary school charged with an offense  
 700 involving the use or threatened use of physical violence in or on the  
 701 real property comprising a public or private elementary or secondary  
 702 school or at a school-sponsored activity as defined in subsection (h) of  
 703 section 10-233a. Upon application by any such person for participation  
 704 in such program, the court shall, but only as to the public, order the  
 705 court file sealed, [provided] and such person [states] shall state under  
 706 oath, in open court or before any person designated by the clerk and  
 707 duly authorized to administer oaths, under penalties of perjury that  
 708 such person has never had such system invoked in such person's  
 709 behalf and that such person has not been convicted of an offense  
 710 involving the threatened use of physical violence in or on the real  
 711 property comprising a public or private elementary or secondary  
 712 school or at a school-sponsored activity as defined in subsection (h) of  
 713 section 10-233a, and that such person has not been convicted in any  
 714 other state at any time of an offense the essential elements of which are  
 715 substantially the same as such an offense.

716 (b) The court, after consideration of the recommendation of the  
 717 state's attorney, assistant state's attorney or deputy assistant state's  
 718 attorney in charge of the case, may, in its discretion, grant such  
 719 application. If the court grants such application, it shall refer such  
 720 person to the Court Support Services Division for assessment and  
 721 confirmation of the eligibility of the applicant. The Court Support

722 Services Division, in making its assessment and confirmation, may rely  
723 on the representations made by the applicant under oath in open court  
724 with respect to convictions in other states of offenses specified in  
725 subsection (a) of this section. As a condition of eligibility for  
726 participation in such program, the student and the parents or guardian  
727 of such student shall certify under penalty of false statement that, to  
728 the best of such person's knowledge and belief, such person does not  
729 possess any firearms, dangerous weapons, controlled substances or  
730 other property or materials the possession of which is prohibited by  
731 law or in violation of the law. Upon confirmation of eligibility, the  
732 defendant shall be referred to the Court Support Services Division for  
733 evaluation and placement in an appropriate school violence  
734 prevention program for one year.

735 (c) Any person who enters the program shall agree: (1) To the  
736 tolling of the statute of limitations with respect to such crime, (2) to a  
737 waiver of the right to a speedy trial, (3) to participate in a school  
738 violence prevention program offered by a provider under contract  
739 with the Court Support Services Division pursuant to subsection (g) of  
740 this section, and (4) to successfully complete the assigned program. If  
741 the Court Support Services Division informs the court that the  
742 defendant is ineligible for the program and the court makes a  
743 determination of ineligibility or if the program provider certifies to the  
744 court that the defendant did not successfully complete the assigned  
745 program, the court shall order the court file to be unsealed, enter a plea  
746 of not guilty for such defendant and immediately place the case on the  
747 trial list.

748 (d) The Court Support Services Division shall monitor the  
749 defendant's participation in the assigned program and the defendant's  
750 compliance with the orders of the court including, but not limited to,  
751 maintaining contact with the student and officials of the student's  
752 school.

753 (e) If such defendant satisfactorily completes the assigned program  
754 and one year has elapsed since the defendant was placed in the

755 program, such defendant may apply for dismissal of the charges  
 756 against such defendant and the court, on reviewing the record of such  
 757 defendant's participation in such program submitted by the Court  
 758 Support Services Division and on finding such satisfactory completion,  
 759 shall dismiss the charges. If the defendant does not apply for dismissal  
 760 of the charges against the defendant after satisfactorily completing the  
 761 assigned program and one year has elapsed since the defendant was  
 762 placed in the program, the court, upon receipt of the record of the  
 763 defendant's participation in such program submitted by the Court  
 764 Support Services Division, may on its own motion make a finding of  
 765 such satisfactory completion and dismiss the charges.

766 (f) The cost of participation in such program shall be paid by the  
 767 parent or guardian of such student, except that no student shall be  
 768 excluded from such program for inability to pay such cost [provided  
 769 (1) the parent or guardian of such student files with the court an  
 770 affidavit of indigency or inability to pay, and (2) the court enters a  
 771 finding thereof] and the parent or guardian shall have such cost  
 772 waived if such parent or guardian is eligible to have counsel appointed  
 773 on behalf of such parent or guardian pursuant to section 51-296  
 774 because such parent or guardian is indigent.

775 (g) The Court Support Services Division shall contract with service  
 776 providers, develop standards and oversee appropriate school violence  
 777 prevention programs to meet the requirements of this section.

778 (h) The school violence prevention program shall consist of group  
 779 counseling sessions in anger management and nonviolent conflict  
 780 resolution.

781 Sec. 7. Subsection (i) of section 46b-38c of the general statutes is  
 782 repealed and the following is substituted in lieu thereof (*Effective from*  
 783 *passage*):

784 (i) A nonrefundable application fee of one hundred dollars shall be  
 785 paid to the court by any person who files a motion pursuant to  
 786 subdivision (1) of subsection (h) of this section to participate in the



787 pretrial family violence education program, and a fee of three hundred  
 788 dollars shall be paid to the court by any person who enters the family  
 789 violence education program, except that no person shall be excluded  
 790 from such program for inability to pay any such fee [, provided (1) the  
 791 person files with the court an affidavit of indigency or inability to pay,  
 792 and (2) the court enters a finding thereof] and the person shall have  
 793 such fees waived if such person is eligible to have counsel appointed  
 794 on behalf of such person pursuant to section 51-296 because such  
 795 person is indigent. All such fees shall be credited to the General Fund.

796 Sec. 8. (NEW) (*Effective from passage*) Notwithstanding any provision  
 797 of the general statutes, any fee or cost for any program that a person  
 798 sentenced to probation by the court for a case on the regular criminal  
 799 docket for the Superior Court participates in as part of such sentence,  
 800 shall be waived if such person is eligible to have counsel appointed on  
 801 behalf of such person pursuant to section 51-296 of the general statutes  
 802 because such person is indigent.

803 Sec. 9. (NEW) (*Effective from passage*) Notwithstanding any provision  
 804 of the general statutes, any fee or cost for any program that a child  
 805 sentenced to probation by the court for a case on the docket for  
 806 juvenile matters participates in as part of such sentence, shall be  
 807 waived if such child's parent or guardian is eligible to have counsel  
 808 appointed on behalf of such parent or guardian pursuant to section 51-  
 809 296 of the general statutes because such parent or guardian is indigent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-85(e)
Sec. 2	<i>from passage</i>	53a-39c
Sec. 3	<i>from passage</i>	54-56e
Sec. 4	<i>from passage</i>	54-56g
Sec. 5	<i>from passage</i>	54-56i
Sec. 6	<i>from passage</i>	54-56j
Sec. 7	<i>from passage</i>	46b-38c(i)
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

***Statement of Purpose:***

To protect funding for the constitutional right to counsel for indigent persons and to provide confidentiality upon application to a diversionary program and a waiver of fees for indigent persons.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*